

## EXHIBIT A – ANG RESPONSES

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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALEX ANG and LYNN STREIT,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

BIMBO BAKERIES USA, INC.,

Defendant.

Case No. 13 Civ. 1196 (WHO)

**PLAINTIFF ALEX ANG'S  
RESPONSES TO DEFENDANT'S  
FIRST SET OF INTERROGATORIES**

Plaintiff Alex Ang ("Plaintiff"), through his attorneys, objects and responds to the First Set of Interrogatories (the "Interrogatories") from Defendant Bimbo Bakeries USA, Inc. ("Defendant"), as follows:

**GENERAL OBJECTIONS**

Plaintiff asserts the following general objections to the Interrogatories (“General Objections”):

1. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are privileged by reason of the attorney-client privilege, work product privilege, or any other applicable privileges or protections, or that are otherwise immune from discovery.

2. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are trade secrets or are proprietary, confidential or sensitive in nature.

3. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents not within the possession, custody or control of Plaintiff.

4. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents that Defendant already possess or that are as equally available to Defendant as they are to Plaintiff.

5. Plaintiff generally objects to the Interrogatories to the extent that they seek information that requires Plaintiff to conduct investigations or acquire information not presently within their possession.

6. Plaintiff generally objects to the Interrogatories to the extent that they seek documents and/or information that have already been produced to Defendant by any other party.

7. Plaintiff generally objects to the Interrogatories to the extent they purport to impose duties or obligations which exceed or are different from those imposed by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

8. Plaintiff generally objects to the Interrogatories to the extent that they attempt to incorporate definitions or rules of construction beyond the scope of what is permissible pursuant to the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

1           9.       Plaintiff generally objects to the Interrogatories to the extent that they subject  
2 Plaintiff to hardship, undue burden, oppression, or embarrassment.

3           10.      Plaintiff generally objects to the Interrogatories to the extent that they call for the  
4 production of documents that are irrelevant, immaterial or not reasonably calculated to lead to  
5 the discovery of admissible evidence.

6           11.      Plaintiff generally objects to the Interrogatories to the extent that they are vague,  
7 ambiguous, insufficiently specific, overly broad, harassing, unintelligible, use undefined terms  
8 capable of more than one interpretation, or require Plaintiff to speculate as to its meaning or  
9 scope.

10          12.      Plaintiff generally objects to the Interrogatories to the extent that they seek  
11 documents created after the filing and/or service of the initial pleadings in the above-captioned  
12 action.

13          13.      Plaintiff generally objects to the Interrogatories to the extent that they utilize  
14 words or phrases that: (1) assume facts not established; (2) constitute, form, imply, require or  
15 call for a legal conclusion; or (3) incorporate a characterization based upon a legal conclusion.

16          14.      Plaintiff generally objects to the Interrogatories to the extent that they contain  
17 incomplete, inaccurate or misleading descriptions or characterizations of facts, events, issues,  
18 laws, or pleadings underlying or relating to this action.

19                                   **TERMS AND CONDITIONS**

20           Plaintiff imposes the following terms and conditions (“Terms and Conditions”):

21          1.       Any inadvertent production by Plaintiff of privileged, proprietary or confidential  
22 documents, documents that are otherwise immune from discovery, or documents subject to  
23 stated or reserved objections, shall not constitute a waiver of any applicable privilege, immunity  
24 or objection.

25          2.       Plaintiff reserves the right to supplement, Modify, and/or amend any and all  
26 objections, responses, terms, conditions and statements contained herein.

27          3.       Plaintiff reserves the right to make any motion, seek a protective order, make  
28 further objections, or impose further terms and conditions relating to the Request.

1           4. All objections, responses, terms, conditions, and statements contained herein are  
2 based upon documents and/or information presently available to Plaintiff and are given without  
3 prejudice to Plaintiff's right to supplement, modify, and/or amend any objection, response,  
4 term, condition, or statement contained herein.

5           5. Failure to make any particular objection herein shall not be construed as a waiver  
6 of such objection.

7           6. The fact that Plaintiff, in any way, responds to any particular interrogatory  
8 within the Interrogatories shall not be interpreted as an admission or implication that any  
9 documents responsive to such request are in Plaintiff's possession, control, or custody, or  
10 otherwise exist.

11           7. Nothing herein shall be construed as an admission that any document reference  
12 in any response is in any way admissible into evidence and Plaintiff reserves the right to object  
13 to the admissibility of any such documents and/or information.

14           8. Nothing contained herein or provided in response to the Interrogatories consists  
15 of, or should be construed as, an admission relating to the accuracy, relevance or existence or  
16 nonexistence of any alleged facts or legal conclusions implied by or referenced in the  
17 Interrogatories.

18           9. Each of the foregoing General Objections and Terms and Conditions is  
19 incorporated into each and every response below.

20  
21                           **SPECIFIC OBJECTIONS AND RESPONSES TO**  
22                           **THE INTERROGATORIES**

23           **INTERROGATORY NO.1:**

24           Please provide YOUR residential address (including street number, street name, city and state)  
25 for all periods over the last ten years.

26           Subject to the General Objections and Terms and Conditions, without waiving same,  
27 Plaintiff further objects to this request on the grounds that it seeks information that is not  
28 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all

1 these objections and terms and conditions, without waiving same, Plaintiff states that he has  
2 lived at the following addresses:

3 5723 Sagewell Way, San Jose, CA 95138

4 2338 Channing Way, Berkeley, CA 94704

5 2219 Channing Way, Berkeley, CA 94704

6 2216 Martin Luther King Jr. Way, Berkeley, CA 94704

7 2046 20th Ave, San Francisco, CA 94116

8 1755 22nd Ave, San Francisco, CA 94122

9  
10  
11 **INTERROGATORY NO.2:**

12 Please IDENTIFY any names by which YOU have been known over the last ten years,  
13 including the years during which YOU were known by each name.

14 **OBJECTIONS AND RESPONSE:**

15 Subject to the General Objections and Terms and Conditions, without waiving same,  
16 Plaintiff states that his name is Alexander Alvin Ang and often uses the shortened form, "Alex."

17 **INTERROGATORY NO.3:**

18 Please IDENTIFY YOUR employers for all periods during the last ten years, including the  
19 location of YOUR job and YOUR title and the nature of YOUR duties.

20 **OBJECTIONS AND RESPONSE:**

21 Subject to the General Objections and Terms and Conditions, without waiving same,  
22 Plaintiff further objects to this request on the grounds that it seeks information that is not  
23 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
24 these objections and terms and conditions, without waiving same, Plaintiff states that he has  
25 worked for the following employers:  
26

27 Eddible Arrangements, Berkeley, CA, 2006-2007, Sales  
28

1 Vaccines for Children Program, California Department of Public Health, Richmond, CA, 2007-  
2 2008, Intern

3 DNV KEMA, Oakland, CA, 2008-Present, Inspector/Program Coordinator

4  
5 **INTERROGATORY NO.4:**

6 Please IDENTIFY (by name, age and relation to YOU) all PERSONS who have shared a  
7 residence with YOU at any point over the last ten years.

8 **OBJECTIONS AND RESPONSE:**

9 Subject to the General Objections and Terms and Conditions, without waiving same,  
10 Plaintiff further objects to this request on the grounds that it seeks information that is not  
11 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
12 these objections and terms and conditions, without waiving same, Plaintiff states that he has  
13 shared a residence with the following persons:

14 Socorro Ang, 61, Mother

15 Emerson Ang, 58, Father

16 Sharon Ang, 31, Sister

17 Nicholas Yap, 28, Friend

18 Christopher Driscoll, 29, Friend

19 Charlie Carrier, 29, Roommate

20 Charles Mcquilkin, Roommate

21 Eric Su, 27, Friend

22 Nilam Patel, 26, Friend

23 Joel Fischer, 30, Friend

24 Kevin Tse, 27, Freind

25 **INTERROGATORY NO.5:**

26 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
27 ESTABLISHMENTS from which YOU have purchased food items not the subject of this  
28 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
the most items.

1 **OBJECTIONS AND RESPONSE:**

2 Subject to the General Objections and Terms and Conditions, without waiving same,  
3 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
4 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
5 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
6 without waiving same, Plaintiff states that stores in which he has purchased food items include,  
7 but are not limited to:

8 Safeway

9 Lucky's/Albertsons

10 Costco

11 Walgreens

12 Whole Foods

13  
14 **INTERROGATORY NO.6:**

15 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
16 ESTABLISHMENTS from which YOU have purchased food items that are the subject of this  
17 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
the most items.

18 **OBJECTIONS AND RESPONSE:**

19 Subject to the General Objections and Terms and Conditions, without waiving same,  
20 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
21 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
22 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
23 without waiving same, Plaintiff states that stores in which he has purchased food items  
24 referenced in the second amended complaint filed in the above-captioned action include:

25 Safeway

26 Lucky's/Albertsons

27 Walgreens



1 **INTERROGATORY NO.7:**

2 For each PURCHASED PRODUCT, please IDENTIFY the ESTABLISHMENT where each  
3 item was purchased, when each item was purchased and how much YOU paid for each item.

4 **OBJECTIONS AND RESPONSE:**

5 Subject to the General Objections and Terms and Conditions, without waiving same,  
6 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
7 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
8 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
9 without waiving same, Plaintiff states that, upon information and belief, Sara Lee bread  
10 products were purchased at Safeway or Lucky's/Albertsons. And Thomas' Bagel Thins were  
11 purchased at Safeway.

12  
13 **INTERROGATORY NO.8:**

14 Please IDENTIFY (by ESTABLISHMENT name, location and account number) any loyalty,  
15 rewards, club or similar recurrent customer cards and/or memberships that YOU have held at  
16 any point over the last ten years with any ESTABLISHMENT, including the dates during which  
YOU held each such card and/or membership.

17 **OBJECTIONS AND RESPONSE:**

18 Subject to the General Objections and Terms and Conditions, without waiving same,  
19 Plaintiff further objects to this request on the grounds that it seeks information that is not  
20 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
21 these objections and terms and conditions, without waiving same, Plaintiff states that he has  
22 used the following cards or memberships:

23 Safeway Club Card (#408-281-4751).

24 Costco Membership (since 2007)

25 Albertsons Club Card (not used since Albertsons turned into Lucky's)

26 //

27 //

28 //

1 **INTERROGATORY NO.9:**

2 Please IDENTIFY any coupon or other food item discount purchase mechanism YOU have  
3 used at any point over the last ten years, including where YOU obtained it and the date and  
4 ESTABLISHMENT at which YOU redeemed it.

5 **OBJECTIONS AND RESPONSE:**

6 Subject to the General Objections and Terms and Conditions, without waiving same,  
7 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
8 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
9 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
10 without waiving same, Plaintiff states that he used the cards or memberships reference above in  
11 response to Interrogatory No. 8.

12  
13 Dated: December 11, 2013

14 /s/ Pierce Gore

15 Ben F. Pierce Gore (SBN 128515)  
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18 San Jose, CA 95126  
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28 *Attorneys for Plaintiffs*

1 ANG and STREIT et al v. BIMBO BAKERIES USA, INC.  
2 Case No. 13 Civ. 1196 (WHO)

3 **VERIFICATION**

4 I, ALEX ANG, declare:

5 I am the Plaintiff in this action and am authorized to make this verification for that reason.

6 I have read **PLAINTIFF ALEX ANG'S RESPONSES TO DEFENDANT'S FIRST**  
7 **SET OF INTERROGATORIES**, and know the contents thereof. The same are true of my own  
8 knowledge, except as to those matters which are therein stated on information or belief, and as to  
9 those matters I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct. Executed this 11<sup>th</sup> day of December, 2013 in San Jose, California.

12  
13   
14 ALEX ANG

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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALEX ANG and LYNN STREIT,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

BIMBO BAKERIES USA, INC.,

Defendant.

Case No. 13 Civ. 1196 (WHO)

**PLAINTIFF ALEX ANG'S  
RESPONSES TO DEFENDANT'S  
FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

Plaintiff Alex Ang ("Plaintiff"), through his attorneys, responds to the First Set of Requests for Production of Documents (the "Request") from Defendant Bimbo Bakeries USA, Inc. ("Defendant"), as follows:

**GENERAL OBJECTIONS**

Plaintiff asserts the following general objections to the Request (“General Objections”):

1. Plaintiff generally objects to the Request to the extent that it seeks, either directly or indirectly, information and/or documents that are privileged by reason of the attorney-client privilege, work product privilege, or any other applicable privileges or protections, or that are otherwise immune from discovery.

2. Plaintiff generally objects to the Request to the extent that it seeks, either directly or indirectly, information and/or documents that are trade secrets or are proprietary, confidential or sensitive in nature.

3. Plaintiff generally objects to the Request to the extent that it seeks information and/or documents not within the possession, custody or control of Plaintiff.

4. Plaintiff generally objects to the Request to the extent that it seeks information and/or documents that Defendant already possess or that are as equally available to Defendant as they are to Plaintiff.

5. Plaintiff generally objects to the Request to the extent that it seeks information that requires Plaintiff to conduct investigations or acquire information not presently within their possession.

6. Plaintiff generally objects to the Request to the extent that it seeks documents and/or information that have already been produced to Defendant by any other party.

7. Plaintiff generally objects to the Request to the extent it purports to impose duties or obligations which exceed or are different from those imposed by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

8. Plaintiff generally objects to the Request to the extent that it attempts to incorporate definitions or rules of construction beyond the scope of what is permissible pursuant to the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

1           9.       Plaintiff generally objects to the Request to the extent that it subjects Plaintiff to  
2 hardship, undue burden, oppression, or embarrassment.

3           10.       Plaintiff generally objects to the Request to the extent that it calls for the  
4 production of documents that are irrelevant, immaterial or not reasonably calculated to lead to  
5 the discovery of admissible evidence.

6           11.       Plaintiff generally objects to the Request to the extent that it is vague,  
7 ambiguous, insufficiently specific, overly broad, harassing, unintelligible, uses undefined terms  
8 capable of more than one interpretation, or requires Plaintiff to speculate as to its meaning or  
9 scope.

10          12.       Plaintiff generally objects to the Request to the extent that it seeks documents  
11 created after the filing and/or service of the initial pleadings in the above-captioned action.

12          13.       Plaintiff generally objects to the Request to the extent that it utilizes words or  
13 phrases that: (1) assume facts not established; (2) constitute, form, imply, require or call for a  
14 legal conclusion; or (3) incorporate a characterization based upon a legal conclusion.

15          14.       Plaintiff generally objects to the Request to the extent that it contains incomplete,  
16 inaccurate or misleading descriptions or characterizations of facts, events, issues, laws, or  
17 pleadings underlying or relating to this action.

18                               **TERMS AND CONDITIONS**

19           Plaintiff imposes the following terms and conditions (“Terms and Conditions”):

20          1.       Any inadvertent production by Plaintiff of privileged, proprietary or confidential  
21 documents, documents that are otherwise immune from discovery, or documents subject to  
22 stated or reserved objections, shall not constitute a waiver of any applicable privilege, immunity  
23 or objection.

24          2.       Plaintiff reserves the right to supplement, Modify, and/or amend any and all  
25 objections, responses, terms, conditions and statements contained herein.

26          3.       Plaintiff reserves the right to make any motion, seek a protective order, make  
27 further objections, or impose further terms and conditions relating to the Request.

1           4. All objections, responses, terms, conditions, and statements contained herein are  
2 based upon documents and/or information presently available to Plaintiff and are given without  
3 prejudice to Plaintiff's right to supplement, modify, and/or amend any objection, response,  
4 term, condition, or statement contained herein.

5           5. Failure to make any particular objection herein shall not be construed as a waiver  
6 of such objection.

7           6. The fact that Plaintiff, in any way, responds to any particular request for  
8 documents within the Request shall not be interpreted as an admission or implication that any  
9 documents responsive to such request are in Plaintiff's possession, control, or custody, or  
10 otherwise exist.

11           7. Nothing herein shall be construed as an admission that any document produced  
12 pursuant to this Request is in any way admissible into evidence and Plaintiff reserves the right  
13 to object to the admissibility of any such documents and/or information.

14           8. Nothing contained herein or provided in response to the Request consists of, or  
15 should be construed as, an admission relating to the accuracy, relevance or existence or  
16 nonexistence of any alleged facts or legal conclusions implied by or referenced in the Request.

17           9. Each of the foregoing General Objections and Terms and Conditions is  
18 incorporated into each and every response below.

19  
20                   **SPECIFIC OBJECTIONS AND RESPONSES TO**  
21                   **DOCUMENT REQUESTS MADE IN THE REQUEST**

22           **REQUEST FOR PRODUCTION NO.1:**

23           All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
24           WHOLE WHEAT BREAD products that YOU, or any member of YOUR family or household,  
25           have purchased.

26           **RESPONSE:**

27           Subject to the General Objections and Terms and Conditions, without waiving same,  
28           Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
              burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the

1 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
2 without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to  
3 products referenced in the second amended complaint filed in the above-captioned action.

4  
5 **REQUEST FOR PRODUCTION NO. 2:**

6 All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
7 WHOLE WHEAT WHITE BREAD products that YOU, or any member of YOUR family or  
household, have purchased.

8 **RESPONSE:**

9 Subject to the General Objections and Terms and Conditions, without waiving same,  
10 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
11 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
12 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
13 without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to  
14 products referenced in the second amended complaint filed in the above-captioned action.

15  
16 **REQUEST FOR PRODUCTION NO.3:**

17 All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
18 TOASTED BREAD products that YOU, or any member of YOUR family or household, have  
purchased.

19 **RESPONSE:**

20 Subject to the General Objections and Terms and Conditions, without waiving same,  
21 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
22 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
23 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
24 without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to  
25 products referenced in the second amended complaint filed in the above-captioned action.

26 //

27 //



1 **REQUEST FOR PRODUCTION NO.4:**

2 All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
3 BAGEL products that YOU, or any member of YOUR family or household, have purchased.

4 **RESPONSE:**

5 Subject to the General Objections and Terms and Conditions, without waiving same,  
6 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
7 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
8 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
9 without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to  
10 products referenced in the second amended complaint filed in the above-captioned action.

11  
12 **REQUEST FOR PRODUCTION NO. 5:**

13 All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
14 DONUTS products that YOU, or any member of YOUR family or household, have purchased.

15 **RESPONSE:**

16 Subject to the General Objections and Terms and Conditions, without waiving same,  
17 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
18 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
19 discovery of admissible evidence. Moreover, the second amended complaint does not allege  
20 that Plaintiff purchased any donut product.

21 **REQUEST FOR PRODUCTION NO. 6:**

22 All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
23 purchases by YOU or others, including any member of YOUR family or household, of the  
24 PURCHASED PRODUCTS.

25 **RESPONSE:**

26 Subject to the General Objections and Terms and Conditions, without waiving same,  
27 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
28 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the

1 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
2 without waiving same, Plaintiff shall produce responsive, non-privileged documents.

3  
4 **REQUEST FOR PRODUCTION NO. 7:**

5 All DOCUMENTS RELATING TO BBUSA and/or the brands Sara Lee, Bimbo, Thomas' or  
6 Entenmann's.

7 **RESPONSE:**

8 Subject to the General Objections and Terms and Conditions, without waiving same,  
9 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
10 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
11 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
12 without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to  
13 products referenced in the second amended complaint filed in the above-captioned action.

14 **REQUEST FOR PRODUCTION NO. 8:**

15 All DOCUMENTS RELATING TO any statements on product labels or in advertising  
16 RELATING TO BBUSA's products that YOU assert to be incorrect or misleading.

17 **RESPONSE:**

18 Subject to the General Objections and Terms and Conditions, without waiving same,  
19 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
20 burdensome, vague, ambiguous, seeks documents that are not relevant or reasonably calculated  
21 to lead to the discovery of admissible evidence, seeks privileged materials, and calls for legal  
22 conclusions. Subject to all these objections and terms and conditions, without waiving same,  
23 Plaintiff shall produce responsive, non-privileged documents relating to products referenced in  
24 the second amended complaint filed in the above-captioned action.

25  
26 **REQUEST FOR PRODUCTION NO. 9:**

27 All receipts for food purchases made by YOU, or a member of YOUR family or household, at  
28

1 or from any retailer, including stores, restaurants, markets, gas stations, delivery, mail order  
2 and/or food trucks, during the period from March 18, 2009 through the date of production.

3 **RESPONSE:**

4 Subject to the General Objections and Terms and Conditions, without waiving same,  
5 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
6 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
7 discovery of admissible evidence.

8 **REQUEST FOR PRODUCTION NO. 10:**

9 All DOCUMENTS RELATING TO grocery/supermarket/food store cards, loyalty cards,  
10 rewards cards and other similar customer programs that YOU, or any member of YOUR family  
11 or household, have held or in which YOU or they participated.

12 **RESPONSE:**

13 Subject to the General Objections and Terms and Conditions, without waiving same,  
14 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
15 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
16 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
17 without waiving same, Plaintiff shall produce responsive, non-privileged documents.

18 **REQUEST FOR PRODUCTION NO. 11:**

19 A copy of the title page of any book, article or other publication that YOU have read  
20 RELATING TO the labeling or advertisement of food or other products.

21 **RESPONSE:**

22 Subject to the General Objections and Terms and Conditions, without waiving same,  
23 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, and seeks  
24 documents that are not relevant or reasonably calculated to lead to the discovery of admissible  
25 evidence. Subject to all these objections and terms and conditions, without waiving same,  
26 Plaintiff has no responsive, non-privileged documents.  
27

1 **REQUEST FOR PRODUCTION NO. 12:**

2 All DOCUMENTS RELATING TO COMMUNICATIONS between YOU, or any member of  
3 YOUR family or household, and BBUSA or any other food producer or food retailer.

4 **RESPONSE:**

5 Subject to the General Objections and Terms and Conditions, without waiving same,  
6 Plaintiff further objects to this request on the grounds that it seeks documents that are not  
7 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
8 these objections and terms and conditions, without waiving same, Plaintiff shall produce  
9 responsive, non-privileged communications with Defendant.

10 **REQUEST FOR PRODUCTION NO. 13:**

11 All DOCUMENTS RELATING TO COMMUNICATIONS RELATING TO BBUSA,  
12 including, but not limited to, DOCUMENTS RELATING TO requests made under the Freedom  
13 of information Act ("FOIA") and/or DOCUMENTS received pursuant to any such request.

14 **RESPONSE:**

15 Subject to the General Objections and Terms and Conditions, without waiving same,  
16 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks  
17 privileged documents, and seeks documents that are not relevant or reasonably calculated to  
18 lead to the discovery of admissible evidence. Subject to all these objections and terms and  
19 conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
20 documents.

21 **REQUEST FOR PRODUCTION NO. 14:**

22 All DOCUMENTS, including, but not limited to, COMMUNICATIONS, RELATING TO any  
23 civil lawsuit in which YOU or any member of YOUR family or household have ever been a  
24 plaintiff or defendant.

25 **RESPONSE:**

26 Subject to the General Objections and Terms and Conditions, without waiving same,  
27 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
28 burdensome, seeks privileged information, and seeks documents that are not relevant or

1 reasonably calculated to lead to the discovery of admissible evidence. Subject to all these  
2 objections and terms and conditions, without waiving same, Plaintiff shall produce responsive,  
3 non-privileged documents.

4  
5 **REQUEST FOR PRODUCTION NO. 15:**

6 A copy of YOUR current resume, biography and/or curriculum vitae.

7 **RESPONSE:**

8 Subject to the General Objections and Terms and Conditions, without waiving same,  
9 Plaintiff further objects to this request on the grounds that it seeks documents that are not  
10 relevant or reasonably calculated to lead to the discovery of admissible evidence and asks  
11 Plaintiff to create a document not presently in existence. Subject to all these objections and  
12 terms and conditions, without waiving same, Plaintiff shall produce any recent resume,  
13 biography, or *curriculum vitae* in Plaintiff's possession.

14  
15 **REQUEST FOR PRODUCTION NO. 16:**

16 All DOCUMENTS RELATING TO any advertisements YOU have viewed RELATING TO  
17 any BBUSA product.

18 **RESPONSE:**

19 Subject to the General Objections and Terms and Conditions, without waiving same,  
20 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
21 burdensome, vague, ambiguous, and seeks documents that are not relevant or reasonably  
22 calculated to lead to the discovery of admissible evidence. Subject to all these objections and  
23 terms and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
24 package labels relating to products referenced in the second amended complaint filed in the  
25 above-captioned action.

26 **REQUEST FOR PRODUCTION NO. 17:**

27 All DOCUMENTS RELATING TO any COMMUNICATIONS YOU have had with Alex Ang.  
28

**RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence, and seeks communications between Plaintiff and himself. Subject to all these objections and terms and conditions, without waiving same, Plaintiff has no responsive, non-privileged documents relating to communications with Lynn Streit.

**REQUEST FOR PRODUCTION NO. 18:**

All DOCUMENTS RELATING TO YOUR decision to file this lawsuit against BBUSA.

**RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is vague, ambiguous, and seeks privileged materials. Subject to all these objections and terms and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to products referenced in the second amended complaint filed in the above-captioned action.

**REQUEST FOR PRODUCTION NO. 19:**

All DOCUMENTS RELATING TO YOUR understanding of an "excellent" or "good" source of whole grains.

**RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks privileged materials, and calls for legal conclusions. Subject to all these objections and terms and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to products referenced in the second amended complaint filed in the above-captioned action.

1 **REQUEST FOR PRODUCTION NO. 20:**

2 All DOCUMENTS RELATING TO YOUR understanding of an "excellent" or "good" source  
3 of fiber.

4 **RESPONSE:**

5 Subject to the General Objections and Terms and Conditions, without waiving same,  
6 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks  
7 privileged materials, and calls for legal conclusions. Subject to all these objections and terms  
8 and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
9 documents relating to products referenced in the second amended complaint filed in the above-  
10 captioned action.

11  
12 **REQUEST FOR PRODUCTION NO. 21:**

13 All DOCUMENTS RELATING TO COMMUNICATIONS with people other than YOU,  
14 including YOUR family and members of your household, who have purchased BBUSA  
products.

15 **RESPONSE:**

16 Subject to the General Objections and Terms and Conditions, without waiving same,  
17 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
18 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
19 discovery of admissible evidence.

20  
21 **REQUEST FOR PRODUCTION NO. 22:**

22 All DOCUMENTS that support YOUR alleged damages in this lawsuit.

23  
24 **RESPONSE:**

25 Subject to the General Objections and Terms and Conditions, without waiving same,  
26 Plaintiff further objects to this request on the grounds that it seeks privileged materials and calls  
27 for legal conclusions. Subject to all these objections and terms and conditions, without waiving  
28 same, Plaintiff shall produce responsive, non-privileged documents.

1 **REQUEST FOR PRODUCTION NO. 23:**

2 All DOCUMENTS RELATING TO any of the "Substantially Similar Products" listed in  
3 YOUR Amended Complaint.

4 **RESPONSE:**

5 Subject to the General Objections and Terms and Conditions, without waiving same,  
6 Plaintiff further objects to this request on the grounds that it seeks documents that are not  
7 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
8 these objections and terms and conditions, without waiving same, Plaintiff shall produce  
9 responsive, non-privileged documents.

10  
11 **REQUEST FOR PRODUCTION NO. 24:**

12 All DOCUMENTS RELATING TO YOUR contention that it is illegal in California to use the  
13 terms "excellent" or "good" source of whole grains.

14 **RESPONSE:**

15 Subject to the General Objections and Terms and Conditions, without waiving same,  
16 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks  
17 privileged materials, and calls for legal conclusions. Subject to all these objections and terms  
18 and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
19 documents.

20 **REQUEST FOR PRODUCTION NO. 25:**

21 All DOCUMENTS identified in YOUR responses to BBUSA's first set of interrogatories served  
22 on YOU in this action or on which YOU relied is providing those responses.

23 **RESPONSE:**

24 Subject to the General Objections and Terms and Conditions, without waiving same,  
25 Plaintiff further objects to this request on the grounds that it seeks documents that are not  
26 relevant or reasonably calculated to lead to the discovery of admissible evidence, seeks  
27 privileged materials, and calls for legal conclusions. Subject to all these objections and terms  
28



1 and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
2 documents.

3  
4 **REQUEST FOR PRODUCTION NO. 26:**

5 All DOCUMENTS RELATING TO the unfair advertising causes of action in YOUR Amended  
6 Complaint filed in this lawsuit.

7 **RESPONSE:**

8 Subject to the General Objections and Terms and Conditions, without waiving same,  
9 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks  
10 privileged materials, and calls for legal conclusions. Subject to all these objections and terms  
11 and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
12 documents.

13  
14 Dated: December 11, 2013

15 /s/ Pierce Gore

16 Ben F. Pierce Gore (SBN 128515)  
17 PRATT & ASSOCIATES  
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*Attorneys for Plaintiffs*

1 ANG and STREIT et al v. BIMBO BAKERIES USA, INC.  
2 Case No. 13 Civ. 1196 (WHO)

3 **VERIFICATION**

4 I, ALEX ANG, declare:

5 I am the Plaintiff in this action and am authorized to make this verification for that reason.

6 I have read **PLAINTIFF ALEX ANG'S RESPONSES TO DEFENDANT'S FIRST**  
7 **SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**, and know the contents  
8 thereof. The same are true of my own knowledge, except as to those matters which are therein  
9 stated on information or belief, and as to those matters I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct. Executed this 11<sup>th</sup> day of December, 2013 in San Jose, California.

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14 \_\_\_\_\_  
15 ALEX ANG  
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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALEX ANG and LYNN STREIT,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

BIMBO BAKERIES USA, INC.,

Defendant.

Case No. 13 Civ. 1196 (WHO)

**PLAINTIFF ALEX ANG'S  
SUPPLEMENTAL RESPONSES TO  
DEFENDANT'S FIRST SET OF  
INTERROGATORIES**

Plaintiff Alex Ang ("Plaintiff"), through his attorneys, objects and supplementally responds to the First Set of Interrogatories (the "Interrogatories") from Defendant Bimbo Bakeries USA, Inc. ("Defendant"), as follows:

**GENERAL OBJECTIONS**

Plaintiff asserts the following general objections to the Interrogatories (“General Objections”):

1. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are privileged by reason of the attorney-client privilege, work product privilege, or any other applicable privileges or protections, or that are otherwise immune from discovery.

2. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are trade secrets or are proprietary, confidential or sensitive in nature.

3. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents not within the possession, custody or control of Plaintiff.

4. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents that Defendant already possess or that are as equally available to Defendant as they are to Plaintiff.

5. Plaintiff generally objects to the Interrogatories to the extent that they seek information that requires Plaintiff to conduct investigations or acquire information not presently within their possession.

6. Plaintiff generally objects to the Interrogatories to the extent that they seek documents and/or information that have already been produced to Defendant by any other party.

7. Plaintiff generally objects to the Interrogatories to the extent they purport to impose duties or obligations which exceed or are different from those imposed by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

8. Plaintiff generally objects to the Interrogatories to the extent that they attempt to incorporate definitions or rules of construction beyond the scope of what is permissible pursuant to the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.



1           4. All objections, responses, terms, conditions, and statements contained herein are  
2 based upon documents and/or information presently available to Plaintiff and are given without  
3 prejudice to Plaintiff's right to supplement, modify, and/or amend any objection, response,  
4 term, condition, or statement contained herein.

5           5. Failure to make any particular objection herein shall not be construed as a waiver  
6 of such objection.

7           6. The fact that Plaintiff, in any way, responds to any particular interrogatory  
8 within the Interrogatories shall not be interpreted as an admission or implication that any  
9 documents responsive to such request are in Plaintiff's possession, control, or custody, or  
10 otherwise exist.

11           7. Nothing herein shall be construed as an admission that any document reference  
12 in any response is in any way admissible into evidence and Plaintiff reserves the right to object  
13 to the admissibility of any such documents and/or information.

14           8. Nothing contained herein or provided in response to the Interrogatories consists  
15 of, or should be construed as, an admission relating to the accuracy, relevance or existence or  
16 nonexistence of any alleged facts or legal conclusions implied by or referenced in the  
17 Interrogatories.

18           9. Each of the foregoing General Objections and Terms and Conditions is  
19 incorporated into each and every response below.

20  
21                           **SPECIFIC OBJECTIONS AND RESPONSES TO**  
22                           **THE INTERROGATORIES**

23           **INTERROGATORY NO.5:**

24 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
25 ESTABLISHMENTS from which YOU have purchased food items not the subject of this  
26 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
27 the most items.

28           **OBJECTIONS AND RESPONSE:**

          Subject to the General Objections and Terms and Conditions, without waiving same,  
Plaintiff further objects to this request on the grounds that it is overly broad, unduly

1 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
 2 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
 3 without waiving same, Plaintiff states that stores in which he has purchased food items include,  
 4 but are not limited to:

5 Safeway-San Francisco (Noriega, Taravel)

6 Lucky's/Albertsons-San Jose (Monterey Road), Albany (San Pablo)

7 Costco-Daley City

8 Walgreens-San Francisco (Noriega)

9 Whole Foods-San Francisco (Ocean Avenue)

10 During the Class Period, Plaintiff did not collect grocery receipts, and he has no receipts  
 11 for his purchases of Defendant's products. Plaintiff is unable to recall the dates on which he  
 12 purchased Defendant's products, or the exact prices that he paid for defendant's products.

13 **INTERROGATORY NO.6:**

14 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
 15 ESTABLISHMENTS from which YOU have purchased food items that are the subject of this  
 16 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
 the most items.

17 **OBJECTIONS AND RESPONSE:**

18 Subject to the General Objections and Terms and Conditions, without waiving same,  
 19 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
 20 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
 21 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
 22 without waiving same, Plaintiff states that stores in which he has purchased food items include,  
 23 but are not limited to:

24 Safeway-San Francisco (Noriega, Taravel)

25 Lucky's/Albertsons-San Jose (Monterey Road), Albany (San Pablo)

26 Walgreens-San Francisco (Noriega)

1 During the Class Period, Plaintiff did not collect grocery receipts, and he has no receipts  
 2 for his purchases of Defendant's products. Plaintiff is unable to recall the dates on which he  
 3 purchased Defendant's products, or the exact prices that he paid for defendant's products.

4 **INTERROGATORY NO.7:**

5 For each PURCHASED PRODUCT, please IDENTIFY the ESTABLISHMENT where each  
 6 item was purchased, when each item was purchased and how much YOU paid for each item.

7 **OBJECTIONS AND RESPONSE:**

8 Subject to the General Objections and Terms and Conditions, without waiving same,  
 9 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
 10 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
 11 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
 12 without waiving same, Plaintiff states that, upon information and belief, Sara Lee bread  
 13 products were purchased at Safeway or Lucky's/Albertsons, and Thomas' Bagel Thins were  
 14 purchased at Safeway.

15 During the Class Period, Plaintiff did not collect grocery receipts, and he has no receipts  
 16 for his purchases of Defendant's products. Plaintiff is unable to recall the dates on which he  
 17 purchased Defendant's products, or the exact prices that he paid for defendant's products.

18 **INTERROGATORY NO.8:**

19 Please IDENTIFY (by ESTABLISHMENT name, location and account number) any loyalty,  
 20 rewards, club or similar recurrent customer cards and/or memberships that YOU have held at  
 21 any point over the last ten years with any ESTABLISHMENT, including the dates during which  
 22 YOU held each such card and/or membership.

23 **OBJECTIONS AND RESPONSE:**

24 Subject to the General Objections and Terms and Conditions, without waiving same,  
 25 Plaintiff further objects to this request on the grounds that it seeks information that is not  
 26 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
 27 these objections and terms and conditions, without waiving same, Plaintiff states that he has  
 28 used the following cards or memberships:

Safeway Club Card (#408-281-4751)



Costco Membership No. 111781324132 (since 2007)

Albertsons Club Card (not used since Albertsons turned into Lucky's)

**INTERROGATORY NO.9:**

Please IDENTIFY any coupon or other food item discount purchase mechanism YOU have used at any point over the last ten years, including where YOU obtained it and the date and ESTABLISHMENT at which YOU redeemed it.

**OBJECTIONS AND RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all these objections and terms and conditions, without waiving same, Plaintiff states that he used the cards or memberships reference above in response to Interrogatory No. 8.

Dated: March 11, 2014

/s/ Pierce Gore

Ben F. Pierce Gore (SBN 128515)  
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*Attorneys for Plaintiffs*

## EXHIBIT B – STREIT RESPONSES

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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALEX ANG and LYNNE STREIT,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

BIMBO BAKERIES USA, INC.,

Defendant.

Case No. 13 Civ. 1196 (WHO)

**PLAINTIFF LYNNE STREIT'S  
RESPONSES TO DEFENDANT'S  
FIRST SET OF INTERROGATORIES**

Plaintiff Lynne Streit ("Plaintiff"), through her attorneys, objects and responds to the First Set of Interrogatories (the "Interrogatories") from Defendant Bimbo Bakeries USA, Inc. ("Defendant"), as follows:

**GENERAL OBJECTIONS**

Plaintiff asserts the following general objections to the Interrogatories (“General Objections”):

1. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are privileged by reason of the attorney-client privilege, work product privilege, or any other applicable privileges or protections, or that are otherwise immune from discovery.

2. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are trade secrets or are proprietary, confidential or sensitive in nature.

3. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents not within the possession, custody or control of Plaintiff.

4. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents that Defendant already possess or that are as equally available to Defendant as they are to Plaintiff.

5. Plaintiff generally objects to the Interrogatories to the extent that they seek information that requires Plaintiff to conduct investigations or acquire information not presently within their possession.

6. Plaintiff generally objects to the Interrogatories to the extent that they seek documents and/or information that have already been produced to Defendant by any other party.

7. Plaintiff generally objects to the Interrogatories to the extent they purport to impose duties or obligations which exceed or are different from those imposed by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

8. Plaintiff generally objects to the Interrogatories to the extent that they attempt to incorporate definitions or rules of construction beyond the scope of what is permissible pursuant to the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

1           9.       Plaintiff generally objects to the Interrogatories to the extent that they subject  
2 Plaintiff to hardship, undue burden, oppression, or embarrassment.

3           10.      Plaintiff generally objects to the Interrogatories to the extent that they call for the  
4 production of documents that are irrelevant, immaterial or not reasonably calculated to lead to  
5 the discovery of admissible evidence.

6           11.      Plaintiff generally objects to the Interrogatories to the extent that they are vague,  
7 ambiguous, insufficiently specific, overly broad, harassing, unintelligible, use undefined terms  
8 capable of more than one interpretation, or require Plaintiff to speculate as to its meaning or  
9 scope.

10          12.      Plaintiff generally objects to the Interrogatories to the extent that they seek  
11 documents created after the filing and/or service of the initial pleadings in the above-captioned  
12 action.

13          13.      Plaintiff generally objects to the Interrogatories to the extent that they utilize  
14 words or phrases that: (1) assume facts not established; (2) constitute, form, imply, require or  
15 call for a legal conclusion; or (3) incorporate a characterization based upon a legal conclusion.

16          14.      Plaintiff generally objects to the Interrogatories to the extent that they contain  
17 incomplete, inaccurate or misleading descriptions or characterizations of facts, events, issues,  
18 laws, or pleadings underlying or relating to this action.

19                                   **TERMS AND CONDITIONS**

20           Plaintiff imposes the following terms and conditions ("Terms and Conditions"):

21          1.       Any inadvertent production by Plaintiff of privileged, proprietary or confidential  
22 documents, documents that are otherwise immune from discovery, or documents subject to  
23 stated or reserved objections, shall not constitute a waiver of any applicable privilege, immunity  
24 or objection.

25          2.       Plaintiff reserves the right to supplement, modify, and/or amend any and all  
26 objections, responses, terms, conditions and statements contained herein.

27          3.       Plaintiff reserves the right to make any motion, seek a protective order, make  
28 further objections, or impose further terms and conditions relating to the Request.

1           4. All objections, responses, terms, conditions, and statements contained herein are  
2 based upon documents and/or information presently available to Plaintiff and are given without  
3 prejudice to Plaintiff's right to supplement, modify, and/or amend any objection, response,  
4 term, condition, or statement contained herein.

5           5. Failure to make any particular objection herein shall not be construed as a waiver  
6 of such objection.

7           6. The fact that Plaintiff, in any way, responds to any particular interrogatory  
8 within the Interrogatories shall not be interpreted as an admission or implication that any  
9 documents responsive to such request are in Plaintiff's possession, control, or custody, or  
10 otherwise exist.

11           7. Nothing herein shall be construed as an admission that any document reference  
12 in any response is in any way admissible into evidence and Plaintiff reserves the right to object  
13 to the admissibility of any such documents and/or information.

14           8. Nothing contained herein or provided in response to the Interrogatories consists  
15 of, or should be construed as, an admission relating to the accuracy, relevance or existence or  
16 nonexistence of any alleged facts or legal conclusions implied by or referenced in the  
17 Interrogatories.

18           9. Each of the foregoing General Objections and Terms and Conditions is  
19 incorporated into each and every response below.

20  
21                           **SPECIFIC OBJECTIONS AND RESPONSES TO**  
22                           **THE INTERROGATORIES**

23           **INTERROGATORY NO.1:**

24           Please provide YOUR residential address (including street number, street name, city and state)  
25 for all periods over the last ten years.

26           Subject to the General Objections and Terms and Conditions, without waiving same,  
27 Plaintiff further objects to this request on the grounds that it seeks information that is not  
28 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all

1 these objections and terms and conditions, without waiving same, Plaintiff states that she has  
2 lived at the following addresses:

3 July 2004-present:

4 1523 Treviso Avenue

5 San Jose, CA. 95118

6  
7 July 1996-July 2004:

8 14076 Sobe Meadows Court

9 Saratoga, CA. 95070

10  
11 **INTERROGATORY NO.2:**

12 Please IDENTIFY any names by which YOU have been known over the last ten years,  
13 including the years during which YOU were known by each name.

14 **OBJECTIONS AND RESPONSE:**

15 Subject to the General Objections and Terms and Conditions, without waiving same,  
16 Plaintiff states that the only name by which she has been known in the last ten years is Lynne  
17 Streit.

18 **INTERROGATORY NO.3:**

19 Please IDENTIFY YOUR employers for all periods during the last ten years, including the  
20 location of YOUR job and YOUR title and the nature of YOUR duties.

21 **OBJECTIONS AND RESPONSE:**

22 Subject to the General Objections and Terms and Conditions, without waiving same,  
23 Plaintiff further objects to this request on the grounds that it seeks information that is not  
24 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
25 these objections and terms and conditions, without waiving same, Plaintiff states that he has  
26 worked for the following employers:

27 March 2011- present:

28 Evergreen Enterprises

1 5915 Midlothian Turnpike

2 Richmond, VA. 23225

3 Territory Account Manager

4 Duties- outside sales and service to hundreds of accounts in local geographic territory

5  
6 January 2001-March 2011

7 Russ Berrie

8 Regional Account Manager

9 Duties - same as above

10  
11 **INTERROGATORY NO.4:**

12 Please IDENTIFY (by name, age and relation to YOU) all PERSONS who have shared a  
13 residence with YOU at any point over the last ten years.

14 **OBJECTIONS AND RESPONSE:**

15 Subject to the General Objections and Terms and Conditions, without waiving same,  
16 Plaintiff further objects to this request on the grounds that it seeks information that is not  
17 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
18 these objections and terms and conditions, without waiving same, Plaintiff states that she has  
19 shared a residence with the following persons:

20 Nicholas Streit, 20, son

21 Samantha Streit, 17, daughter

22 Nick Streit, 58, ex-husband

23 **INTERROGATORY NO.5:**

24 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
25 ESTABLISHMENTS from which YOU have purchased food items not the subject of this  
26 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
27 the most items.  
28



1 **OBJECTIONS AND RESPONSE:**

2 Subject to the General Objections and Terms and Conditions, without waiving same,  
3 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
4 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
5 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
6 without waiving same, Plaintiff states that stores in which she has purchased food items include,  
7 but are not limited to:

8 Safeway

9 Costco

10 Trader Joe's

11 Target

12 Raley's/Nob Hill

13 Albertson's/Lucky's

14  
15 **INTERROGATORY NO.6:**

16 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
17 ESTABLISHMENTS from which YOU have purchased food items that are the subject of this  
18 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
the most items.

19 **OBJECTIONS AND RESPONSE:**

20 Subject to the General Objections and Terms and Conditions, without waiving same,  
21 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
22 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
23 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
24 without waiving same, Plaintiff states that stores in which she has purchased food items  
25 referenced in the second amended complaint filed in the above-captioned action include:

26 Safeway

27 Costco

28 Target

1 Raley's/Nob Hill

2 Albertson's/Lucky's

3  
4 **INTERROGATORY NO.7:**

5 For each PURCHASED PRODUCT, please IDENTIFY the ESTABLISHMENT where each  
6 item was purchased, when each item was purchased and how much YOU paid for each item.

7 **OBJECTIONS AND RESPONSE:**

8 Subject to the General Objections and Terms and Conditions, without waiving same,  
9 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
10 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
11 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
12 without waiving same, Plaintiff states that, upon information and belief, that she purchased her  
13 Bimbo products at the following stores:

14 Safeway

15 Costco

16 Trader Joe's

17 Target

18 Raley's/Nob Hill

19 Albertson's/Lucky's

20 **INTERROGATORY NO.8:**

21 Please IDENTIFY (by ESTABLISHMENT name, location and account number) any loyalty,  
22 rewards, club or similar recurrent customer cards and/or memberships that YOU have held at  
23 any point over the last ten years with any ESTABLISHMENT, including the dates during which  
YOU held each such card and/or membership.

24 **OBJECTIONS AND RESPONSE:**

25 Subject to the General Objections and Terms and Conditions, without waiving same,  
26 Plaintiff further objects to this request on the grounds that it seeks information that is not  
27 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
28

1 these objections and terms and conditions, without waiving same, Plaintiff states that he has  
2 used the following cards or memberships:

3 Safeway

4 Costco (on parents' account)

5 Raley's/Nob Hill

6 Abertson's/Lucky's

7 **INTERROGATORY NO.9:**

8 Please IDENTIFY any coupon or other food item discount purchase mechanism YOU have  
9 used at any point over the last ten years, including where YOU obtained it and the date and  
10 ESTABLISHMENT at which YOU redeemed it.

11 **OBJECTIONS AND RESPONSE:**

12 Subject to the General Objections and Terms and Conditions, without waiving same,  
13 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
14 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
15 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
16 without waiving same, Plaintiff states that she used the cards or memberships referenced above  
17 in response to Interrogatory No. 8, as well as coupons obtained from Sunday newspaper inserts,  
18 including those of the San Jose Mercury News.

19 Dated: December 20, 2013

20  
21 /s/ Pierce Gore  
22 Ben F. Pierce Gore (SBN 128515)  
23 PRATT & ASSOCIATES  
24 1871 The Alameda, Suite 425  
25 San Jose, CA 95126  
26 Telephone: (408) 429-6506  
27 Fax: (408) 369-0752  
28 [pgore@prattattorneys.com](mailto:pgore@prattattorneys.com)

1 Keith M. Fleischman (admitted *pro hac vice*)  
2 Bradley F. Silverman (admitted *pro hac vice*)  
3 THE FLEISCHMAN LAW FIRM, PLLC  
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6 Telephone: (212) 880-9571  
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9 bsilverman@fleischmanlawfirm.com

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*Attorneys for Plaintiffs*

1 ANG and STREIT et al v. BIMBO BAKERIES USA, INC.  
2 Case No. 13 Civ. 1196 (WHO)

3 **VERIFICATION**

4 I, LYNNE STREIT, declare:

5 I am the Plaintiff in this action and am authorized to make this verification for that reason.

6 I have read **PLAINTIFF LYNNE STREIT'S RESPONSES TO DEFENDANT'S**  
7 **FIRST SET OF INTERROGATORIES**, and know the contents thereof. The same are true of  
8 my own knowledge, except as to those matters which are therein stated on information or belief,  
9 and as to those matters I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct. Executed this 12<sup>th</sup> day of December, 2013 in San Jose, California.

12  
13   
14 LYNNE STREIT

Ben F. Pierce Gore (SBN 128515)  
PRATT & ASSOCIATES  
1871 The Alameda, Suite 425  
San Jose, CA 95126  
Telephone: (408) 429-6506  
Fax: (408) 369-0752  
pgore@prattattorneys.com

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Bradley F. Silverman (admitted *pro hac vice*)  
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bsilverman@fleischmanlawfirm.com

*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALEX ANG and LYNNE STREIT,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

BIMBO BAKERIES USA, INC.,

Defendant.

Case No. 13 Civ. 1196 (WHO)

**PLAINTIFF LYNNE STREIT'S  
SUPPLEMENTAL RESPONSES TO  
DEFENDANT'S FIRST SET OF  
INTERROGATORIES**

Plaintiff Lynne Streit ("Plaintiff"), through her attorneys, objects and supplementally responds to the First Set of Interrogatories (the "Interrogatories") from Defendant Bimbo Bakeries USA, Inc. ("Defendant"), as follows:

**GENERAL OBJECTIONS**

Plaintiff asserts the following general objections to the Interrogatories (“General Objections”):

1. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are privileged by reason of the attorney-client privilege, work product privilege, or any other applicable privileges or protections, or that are otherwise immune from discovery.

2. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are trade secrets or are proprietary, confidential or sensitive in nature.

3. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents not within the possession, custody or control of Plaintiff.

4. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents that Defendant already possess or that are as equally available to Defendant as they are to Plaintiff.

5. Plaintiff generally objects to the Interrogatories to the extent that they seek information that requires Plaintiff to conduct investigations or acquire information not presently within their possession.

6. Plaintiff generally objects to the Interrogatories to the extent that they seek documents and/or information that have already been produced to Defendant by any other party.

7. Plaintiff generally objects to the Interrogatories to the extent they purport to impose duties or obligations which exceed or are different from those imposed by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

8. Plaintiff generally objects to the Interrogatories to the extent that they attempt to incorporate definitions or rules of construction beyond the scope of what is permissible pursuant to the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

1           9.       Plaintiff generally objects to the Interrogatories to the extent that they subject  
2 Plaintiff to hardship, undue burden, oppression, or embarrassment.

3           10.      Plaintiff generally objects to the Interrogatories to the extent that they call for the  
4 production of documents that are irrelevant, immaterial or not reasonably calculated to lead to  
5 the discovery of admissible evidence.

6           11.      Plaintiff generally objects to the Interrogatories to the extent that they are vague,  
7 ambiguous, insufficiently specific, overly broad, harassing, unintelligible, use undefined terms  
8 capable of more than one interpretation, or require Plaintiff to speculate as to its meaning or  
9 scope.

10          12.      Plaintiff generally objects to the Interrogatories to the extent that they seek  
11 documents created after the filing and/or service of the initial pleadings in the above-captioned  
12 action.

13          13.      Plaintiff generally objects to the Interrogatories to the extent that they utilize  
14 words or phrases that: (1) assume facts not established; (2) constitute, form, imply, require or  
15 call for a legal conclusion; or (3) incorporate a characterization based upon a legal conclusion.

16          14.      Plaintiff generally objects to the Interrogatories to the extent that they contain  
17 incomplete, inaccurate or misleading descriptions or characterizations of facts, events, issues,  
18 laws, or pleadings underlying or relating to this action.

19                                   **TERMS AND CONDITIONS**

20           Plaintiff imposes the following terms and conditions (“Terms and Conditions”):

21          1.       Any inadvertent production by Plaintiff of privileged, proprietary or confidential  
22 documents, documents that are otherwise immune from discovery, or documents subject to  
23 stated or reserved objections, shall not constitute a waiver of any applicable privilege, immunity  
24 or objection.

25          2.       Plaintiff reserves the right to supplement, Modify, and/or amend any and all  
26 objections, responses, terms, conditions and statements contained herein.

27          3.       Plaintiff reserves the right to make any motion, seek a protective order, make  
28 further objections, or impose further terms and conditions relating to the Request.



1           4. All objections, responses, terms, conditions, and statements contained herein are  
2 based upon documents and/or information presently available to Plaintiff and are given without  
3 prejudice to Plaintiff's right to supplement, modify, and/or amend any objection, response,  
4 term, condition, or statement contained herein.

5           5. Failure to make any particular objection herein shall not be construed as a waiver  
6 of such objection.

7           6. The fact that Plaintiff, in any way, responds to any particular interrogatory  
8 within the Interrogatories shall not be interpreted as an admission or implication that any  
9 documents responsive to such request are in Plaintiff's possession, control, or custody, or  
10 otherwise exist.

11           7. Nothing herein shall be construed as an admission that any document reference  
12 in any response is in any way admissible into evidence and Plaintiff reserves the right to object  
13 to the admissibility of any such documents and/or information.

14           8. Nothing contained herein or provided in response to the Interrogatories consists  
15 of, or should be construed as, an admission relating to the accuracy, relevance or existence or  
16 nonexistence of any alleged facts or legal conclusions implied by or referenced in the  
17 Interrogatories.

18           9. Each of the foregoing General Objections and Terms and Conditions is  
19 incorporated into each and every response below.

20  
21                           **SPECIFIC OBJECTIONS AND RESPONSES TO**  
22                           **THE INTERROGATORIES**

23           **INTERROGATORY NO.3:**

24           Please IDENTIFY YOUR employers for all periods during the last ten years, including the  
25 location of YOUR job and YOUR title and the nature of YOUR duties.

26           **OBJECTIONS AND RESPONSE:**

27           Subject to the General Objections and Terms and Conditions, without waiving same,  
28 Plaintiff further objects to this request on the grounds that it seeks information that is not  
relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all

1 these objections and terms and conditions, without waiving same, Plaintiff states that she has  
2 worked for the following employers:

3 March 2011- present:

4 Evergreen Enterprises

5 5915 Midlothian Turnpike

6 Richmond, VA. 23225

7 Territory Account Manager

8 Duties- outside sales and service to hundreds of accounts in local geographic territory

9  
10 January 2001-March 2011

11 Russ Berrie

12 Oakland, NJ

13 Regional Account Manager

14 Duties - same as above

15 Plaintiff has no contact information for this employer, which has gone out of business.

16 **INTERROGATORY NO.5:**

17 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
18 ESTABLISHMENTS from which YOU have purchased food items not the subject of this  
19 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
20 the most items.

21 **OBJECTIONS AND RESPONSE:**

22 Subject to the General Objections and Terms and Conditions, without waiving same,  
23 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
24 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
25 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
26 without waiving same, Plaintiff states that stores in which she has purchased food items include,  
27 but are not limited to:

28 Safeway-Branham Lane (San Jose), Union & Almaden Road (San Jose), Pollard Road

(Campbell/Los Gatos), and Los Gatos (North Santa Cruz Avenue); Membership No. unknown,

1 Plaintiff makes purchases using her phone number in place of Safeway Club Card, which she  
2 lost years ago

3 Costco-Almaden (San Jose), Mountain View, Coleman (San Jose); Membership No.

4 111796398639

5 Trader Joe's-Almaden (San Jose), Los Gatos, Westgate (San Jose)

6 Target-Hillsdale, Westgate, Oakridge (all San Jose)

7 Raley's/Nob Hill-Los Gatos, Kirkwood Plaza (Campbell)

8 Albertson's/Lucky's-Meridian/Almaden (San Jose)

9 Grocery Outlet-Meridian/Foxworthy (San Jose)

10 Plaintiff infrequently purchased groceries at other stores during the Class Period. During the  
11 Class Period, Plaintiff did not retain receipts for her grocery purchases, and has no receipts for  
12 her purchases of Defendant's products.

13 **INTERROGATORY NO.6:**

14 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
15 ESTABLISHMENTS from which YOU have purchased food items that are the subject of this  
16 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
the most items.

17 **OBJECTIONS AND RESPONSE:**

18 Subject to the General Objections and Terms and Conditions, without waiving same,  
19 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
20 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
21 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
22 without waiving same, Plaintiff states that stores in which she has purchased food items  
23 referenced in the second amended complaint filed in the above-captioned action include, but are  
24 not limited to:

25 Safeway-Branham Lane (San Jose), Union & Almaden Road (San Jose), Pollard Road  
26 (Campbell/Los Gatos), and Los Gatos (North Santa Cruz Avenue); Membership No. unknown,  
27 Plaintiff makes purchases using her phone number in place of Safeway Club Card, which she  
28 lost years ago

Costco-Almaden (San Jose), Mountain View, Coleman (San Jose); Membership No.

111796398639

Trader Joe's-Almaden (San Jose), Los Gatos, Westgate (San Jose)

Target-Hillsdale, Westgate, Oakridge (all San Jose)

Raley's/Nob Hill-Los Gatos, Kirkwood Plaza (Campbell)

Albertson's/Lucky's-Meridian/Almaden (San Jose)

Grocery Outlet-Meridian/Foxworthy (San Jose)

Plaintiff infrequently purchased groceries at other stores during the Class Period. During the Class Period, Plaintiff did not retain receipts for her grocery purchases, and has no receipts for her purchases of Defendant's products.

**INTERROGATORY NO.7:**

For each PURCHASED PRODUCT, please IDENTIFY the ESTABLISHMENT where each item was purchased, when each item was purchased and how much YOU paid for each item.

**OBJECTIONS AND RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all these objections and terms and conditions, without waiving same, Plaintiff states that, upon information and belief, that she purchased her Bimbo products at the following stores, among others:

Safeway-Branham Lane (San Jose), Union & Almaden Road (San Jose), Pollard Road

(Campbell/Los Gatos), and Los Gatos (North Santa Cruz Avenue); Membership No. unknown,

Plaintiff makes purchases using her phone number in place of Safeway Club Card, which she lost years ago

Costco-Almaden (San Jose), Mountain View, Coleman (San Jose); Membership No.

111796398639

Trader Joe's-Almaden (San Jose), Los Gatos, Westgate (San Jose)

Target-Hillsdale, Westgate, Oakridge (all San Jose)

1 Raley's/Nob Hill-Los Gatos, Kirkwood Plaza (Campbell)

2 Albertson's/Lucky's-Meridian/Almaden (San Jose)

3 Grocery Outlet-Meridian/Foxworthy (San Jose)

4 Plaintiff infrequently purchased groceries at other stores during the Class Period. During the  
5 Class Period, Plaintiff did not retain receipts for her grocery purchases, and has no receipts for  
6 her purchases of Defendant's products.

7 **INTERROGATORY NO.8:**

8 Please IDENTIFY (by ESTABLISHMENT name, location and account number) any loyalty,  
9 rewards, club or similar recurrent customer cards and/or memberships that YOU have held at  
10 any point over the last ten years with any ESTABLISHMENT, including the dates during which  
11 YOU held each such card and/or membership.

11 **OBJECTIONS AND RESPONSE:**

12 Subject to the General Objections and Terms and Conditions, without waiving same,  
13 Plaintiff further objects to this request on the grounds that it seeks information that is not  
14 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
15 these objections and terms and conditions, without waiving same, Plaintiff states that she has  
16 used the following cards or memberships:

17 Safeway-Branham Lane (San Jose), Union & Almaden Road (San Jose), Pollard Road  
18 (Campbell/Los Gatos), and Los Gatos (North Santa Cruz Avenue); Membership No. unknown,  
19 Plaintiff makes purchases using her phone number in place of Safeway Club Card, which she  
20 lost years ago

21 Costco-Almaden (San Jose), Mountain View, Coleman (San Jose); Membership No.  
22 111796398639

23 **INTERROGATORY NO.9:**

24 Please IDENTIFY any coupon or other food item discount purchase mechanism YOU have  
25 used at any point over the last ten years, including where YOU obtained it and the date and  
26 ESTABLISHMENT at which YOU redeemed it.

**OBJECTIONS AND RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all these objections and terms and conditions, without waiving same, Plaintiff states that she used the cards or memberships referenced above in response to Interrogatory No. 8, as well as coupons obtained from Sunday newspaper inserts, including those of the San Jose Mercury News.

Dated: March 10, 2014

/s/ Pierce Gore  
Ben F. Pierce Gore (SBN 128515)  
PRATT & ASSOCIATES  
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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALEX ANG and LYNNE STREIT,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

BIMBO BAKERIES USA, INC.,

Defendant.

Case No. 13 Civ. 1196 (WHO)

**PLAINTIFF LYNNE STREIT'S  
SUPPLEMENTAL RESPONSES TO  
DEFENDANT'S FIRST SET OF  
INTERROGATORIES**

Plaintiff Lynne Streit ("Plaintiff"), through her attorneys, objects and supplementally responds to the First Set of Interrogatories (the "Interrogatories") from Defendant Bimbo Bakeries USA, Inc. ("Defendant"), as follows:

**GENERAL OBJECTIONS**

Plaintiff asserts the following general objections to the Interrogatories (“General Objections”):

1. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are privileged by reason of the attorney-client privilege, work product privilege, or any other applicable privileges or protections, or that are otherwise immune from discovery.

2. Plaintiff generally objects to the Interrogatories to the extent that they seek, either directly or indirectly, information and/or documents that are trade secrets or are proprietary, confidential or sensitive in nature.

3. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents not within the possession, custody or control of Plaintiff.

4. Plaintiff generally objects to the Interrogatories to the extent that they seek information and/or documents that Defendant already possess or that are as equally available to Defendant as they are to Plaintiff.

5. Plaintiff generally objects to the Interrogatories to the extent that they seek information that requires Plaintiff to conduct investigations or acquire information not presently within their possession.

6. Plaintiff generally objects to the Interrogatories to the extent that they seek documents and/or information that have already been produced to Defendant by any other party.

7. Plaintiff generally objects to the Interrogatories to the extent they purport to impose duties or obligations which exceed or are different from those imposed by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

8. Plaintiff generally objects to the Interrogatories to the extent that they attempt to incorporate definitions or rules of construction beyond the scope of what is permissible pursuant to the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.





1           4. All objections, responses, terms, conditions, and statements contained herein are  
2 based upon documents and/or information presently available to Plaintiff and are given without  
3 prejudice to Plaintiff's right to supplement, modify, and/or amend any objection, response,  
4 term, condition, or statement contained herein.

5           5. Failure to make any particular objection herein shall not be construed as a waiver  
6 of such objection.

7           6. The fact that Plaintiff, in any way, responds to any particular interrogatory  
8 within the Interrogatories shall not be interpreted as an admission or implication that any  
9 documents responsive to such request are in Plaintiff's possession, control, or custody, or  
10 otherwise exist.

11           7. Nothing herein shall be construed as an admission that any document reference  
12 in any response is in any way admissible into evidence and Plaintiff reserves the right to object  
13 to the admissibility of any such documents and/or information.

14           8. Nothing contained herein or provided in response to the Interrogatories consists  
15 of, or should be construed as, an admission relating to the accuracy, relevance or existence or  
16 nonexistence of any alleged facts or legal conclusions implied by or referenced in the  
17 Interrogatories.

18           9. Each of the foregoing General Objections and Terms and Conditions is  
19 incorporated into each and every response below.

20  
21                           **SPECIFIC OBJECTIONS AND RESPONSES TO**  
22                           **THE INTERROGATORIES**

23           **INTERROGATORY NO.3:**

24           Please IDENTIFY YOUR employers for all periods during the last ten years, including the  
25 location of YOUR job and YOUR title and the nature of YOUR duties.

26           **OBJECTIONS AND RESPONSE:**

27           Subject to the General Objections and Terms and Conditions, without waiving same,  
28 Plaintiff further objects to this request on the grounds that it seeks information that is not  
relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all

1 these objections and terms and conditions, without waiving same, Plaintiff states that she has  
2 worked for the following employers:

3 March 2011- present:

4 Evergreen Enterprises

5 5915 Midlothian Turnpike

6 Richmond, VA. 23225

7 Territory Account Manager

8 Duties- outside sales and service to hundreds of accounts in local geographic territory

9  
10 January 2001-March 2011

11 Russ Berrie

12 Oakland, NJ

13 Regional Account Manager

14 Duties - same as above

15 Plaintiff has no contact information for this employer, which has gone out of business.

16 **INTERROGATORY NO.5:**

17 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
18 ESTABLISHMENTS from which YOU have purchased food items not the subject of this  
19 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
the most items.

20 **OBJECTIONS AND RESPONSE:**

21 Subject to the General Objections and Terms and Conditions, without waiving same,  
22 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
23 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
24 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
25 without waiving same, Plaintiff states that stores in which she has purchased food items include,  
26 but are not limited to:

27 Safeway-Branham Lane (San Jose), Union & Almaden Road (San Jose), Pollard Road

28 (Campbell/Los Gatos), and Los Gatos (North Santa Cruz Avenue); Membership No. unknown,

1 Plaintiff makes purchases using her phone number in place of Safeway Club Card, which she  
2 lost years ago

3 Costco-Almaden (San Jose), Mountain View, Coleman (San Jose); Membership No.  
4 111796398639

5 Trader Joe's-Almaden (San Jose), Los Gatos, Westgate (San Jose)

6 Target-Hillsdale, Westgate, Oakridge (all San Jose)

7 Raley's/Nob Hill-Los Gatos, Kirkwood Plaza (Campbell)

8 Albertson's/Lucky's-Meridian/Almaden (San Jose)

9 Grocery Outlet-Meridian/Foxworthy (San Jose)

10 Plaintiff infrequently purchased groceries at other stores during the Class Period. During the  
11 Class Period, Plaintiff did not retain receipts for her grocery purchases, and has no receipts for  
12 her purchases of Defendant's products.

13 Plaintiff does not recall the exact dates and locations when and where she purchased  
14 Defendant's products, nor the exact prices that she paid for Defendant's products.

15 **INTERROGATORY NO.6:**

16 Please IDENTIFY, in rank order of aggregate dollar amount of combined purchases, all  
17 ESTABLISHMENTS from which YOU have purchased food items that are the subject of this  
18 litigation over the last ten years, starting with the ESTABLISHMENT where YOU purchased  
the most items.

19 **OBJECTIONS AND RESPONSE:**

20 Subject to the General Objections and Terms and Conditions, without waiving same,  
21 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
22 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
23 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
24 without waiving same, Plaintiff states that stores in which she has purchased food items  
25 referenced in the second amended complaint filed in the above-captioned action include, but are  
26 not limited to:

27 Safeway-Branham Lane (San Jose), Union & Almaden Road (San Jose), Pollard Road  
28 (Campbell/Los Gatos), and Los Gatos (North Santa Cruz Avenue); Membership No. unknown,

1 Plaintiff makes purchases using her phone number in place of Safeway Club Card, which she  
2 lost years ago

3 Costco-Almaden (San Jose), Mountain View, Coleman (San Jose); Membership No.

4 111796398639

5 Trader Joe's-Almaden (San Jose), Los Gatos, Westgate (San Jose)

6 Target-Hillsdale, Westgate, Oakridge (all San Jose)

7 Raley's/Nob Hill-Los Gatos, Kirkwood Plaza (Campbell)

8 Albertson's/Lucky's-Meridian/Almaden (San Jose)

9 Grocery Outlet-Meridian/Foxworthy (San Jose)

10 Plaintiff infrequently purchased groceries at other stores during the Class Period. During the  
11 Class Period, Plaintiff did not retain receipts for her grocery purchases, and has no receipts for  
12 her purchases of Defendant's products.

13 Plaintiff does not recall the exact dates and locations when and where she purchased  
14 Defendant's products, nor the exact prices that she paid for Defendant's products.

15 **INTERROGATORY NO.7:**

16 For each PURCHASED PRODUCT, please IDENTIFY the ESTABLISHMENT where each  
17 item was purchased, when each item was purchased and how much YOU paid for each item.

18 **OBJECTIONS AND RESPONSE:**

19 Subject to the General Objections and Terms and Conditions, without waiving same,  
20 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
21 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
22 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
23 without waiving same, Plaintiff states that, upon information and belief, that she purchased her  
24 Bimbo products at the following stores, among others:

25 Safeway-Branham Lane (San Jose), Union & Almaden Road (San Jose), Pollard Road

26 (Campbell/Los Gatos), and Los Gatos (North Santa Cruz Avenue); Membership No. unknown,

27 Plaintiff makes purchases using her phone number in place of Safeway Club Card, which she  
28 lost years ago

Costco-Almaden (San Jose), Mountain View, Coleman (San Jose); Membership No.  
111796398639

Trader Joe's-Almaden (San Jose), Los Gatos, Westgate (San Jose)

Target-Hillsdale, Westgate, Oakridge (all San Jose)

Raley's/Nob Hill-Los Gatos, Kirkwood Plaza (Campbell)

Albertson's/Lucky's-Meridian/Almaden (San Jose)

Grocery Outlet-Meridian/Foxworthy (San Jose)

Plaintiff infrequently purchased groceries at other stores during the Class Period. During the Class Period, Plaintiff did not retain receipts for her grocery purchases, and has no receipts for her purchases of Defendant's products.

Plaintiff does not recall the exact dates and locations when and where she purchased Defendant's products, nor the exact prices that she paid for Defendant's products.

**INTERROGATORY NO.8:**

Please IDENTIFY (by ESTABLISHMENT name, location and account number) any loyalty, rewards, club or similar recurrent customer cards and/or memberships that YOU have held at any point over the last ten years with any ESTABLISHMENT, including the dates during which YOU held each such card and/or membership.

**OBJECTIONS AND RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it seeks information that is not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all these objections and terms and conditions, without waiving same, Plaintiff states that she has used the following cards or memberships:

Safeway-Branham Lane (San Jose), Union & Almaden Road (San Jose), Pollard Road (Campbell/Los Gatos), and Los Gatos (North Santa Cruz Avenue); Membership No. unknown, Plaintiff makes purchases using her phone number in place of Safeway Club Card, which she lost years ago

Costco-Almaden (San Jose), Mountain View, Coleman (San Jose); Membership No.  
111796398639

1  
2 **INTERROGATORY NO.9:**

3 Please IDENTIFY any coupon or other food item discount purchase mechanism YOU have  
4 used at any point over the last ten years, including where YOU obtained it and the date and  
5 ESTABLISHMENT at which YOU redeemed it.

6  
7 **OBJECTIONS AND RESPONSE:**

8 Subject to the General Objections and Terms and Conditions, without waiving same,  
9 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
10 burdensome, and seeks information that is not relevant or reasonably calculated to lead to the  
11 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
12 without waiving same, Plaintiff states that she used the cards or memberships referenced above  
13 in response to Interrogatory No. 8, as well as coupons obtained from Sunday newspaper inserts,  
14 including those of the San Jose Mercury News.

15 Dated: March 11, 2014

16  
17 /s/ Pierce Gore  
18 Ben F. Pierce Gore (SBN 128515)  
19 PRATT & ASSOCIATES  
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*Attorneys for Plaintiffs*

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*Attorneys for Plaintiffs*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

ALEX ANG and LYNNE STREIT,  
individually and on behalf of all others  
similarly situated,

Plaintiff,

v.

BIMBO BAKERIES USA, INC.,

Defendant.

Case No. 13 Civ. 1196 (WHO)

**PLAINTIFF LYNNE STREIT'S  
RESPONSES TO DEFENDANT'S  
FIRST SET OF REQUESTS FOR  
PRODUCTION OF DOCUMENTS**

Plaintiff Lynne Streit ("Plaintiff"), through her attorneys, responds to the First Set of Requests for Production of Documents (the "Request") from Defendant Bimbo Bakeries USA, Inc., as follows:

**GENERAL OBJECTIONS**

Plaintiff asserts the following general objections to the Request (“General Objections”):

1. Plaintiff generally objects to the Request to the extent that it seeks, either directly or indirectly, information and/or documents that are privileged by reason of the attorney-client privilege, work product privilege, or any other applicable privileges or protections, or that are otherwise immune from discovery.

2. Plaintiff generally objects to the Request to the extent that it seeks, either directly or indirectly, information and/or documents that are trade secrets or are proprietary, confidential or sensitive in nature.

3. Plaintiff generally objects to the Request to the extent that it seeks information and/or documents not within the possession, custody or control of Plaintiff.

4. Plaintiff generally objects to the Request to the extent that it seeks information and/or documents that Defendant already possess or that are as equally available to Defendant as they are to Plaintiff.

5. Plaintiff generally objects to the Request to the extent that it seeks information that requires Plaintiff to conduct investigations or acquire information not presently within their possession.

6. Plaintiff generally objects to the Request to the extent that it seeks documents and/or information that have already been produced to Defendant by any other party.

7. Plaintiff generally objects to the Request to the extent it purports to impose duties or obligations which exceed or are different from those imposed by the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

8. Plaintiff generally objects to the Request to the extent that it attempts to incorporate definitions or rules of construction beyond the scope of what is permissible pursuant to the Federal Rules of Civil Procedure, the Local Rules of the Northern District of California, Court Order, or other governing authority.

1           9.       Plaintiff generally objects to the Request to the extent that it subjects Plaintiff to  
2 hardship, undue burden, oppression, or embarrassment.

3           10.       Plaintiff generally objects to the Request to the extent that it calls for the  
4 production of documents that are irrelevant, immaterial or not reasonably calculated to lead to  
5 the discovery of admissible evidence.

6           11.       Plaintiff generally objects to the Request to the extent that it is vague,  
7 ambiguous, insufficiently specific, overly broad, harassing, unintelligible, uses undefined terms  
8 capable of more than one interpretation, or requires Plaintiff to speculate as to its meaning or  
9 scope.

10          12.       Plaintiff generally objects to the Request to the extent that it seeks documents  
11 created after the filing and/or service of the initial pleadings in the above-captioned action.

12          13.       Plaintiff generally objects to the Request to the extent that it utilizes words or  
13 phrases that: (1) assume facts not established; (2) constitute, form, imply, require or call for a  
14 legal conclusion; or (3) incorporate a characterization based upon a legal conclusion.

15          14.       Plaintiff generally objects to the Request to the extent that it contains incomplete,  
16 inaccurate or misleading descriptions or characterizations of facts, events, issues, laws, or  
17 pleadings underlying or relating to this action.

18                                   **TERMS AND CONDITIONS**

19           Plaintiff imposes the following terms and conditions (“Terms and Conditions”):

20          1.       Any inadvertent production by Plaintiff of privileged, proprietary or confidential  
21 documents, documents that are otherwise immune from discovery, or documents subject to  
22 stated or reserved objections, shall not constitute a waiver of any applicable privilege, immunity  
23 or objection.

24          2.       Plaintiff reserves the right to supplement. Modify, and/or amend any and all  
25 objections, responses, terms, conditions and statements contained herein.

26          3.       Plaintiff reserves the right to make any motion, seek a protective order, make  
27 further objections, or impose further terms and conditions relating to the Request.

1           4. All objections, responses, terms, conditions, and statements contained herein are  
2 based upon documents and/or information presently available to Plaintiff and are given without  
3 prejudice to Plaintiff's right to supplement, modify, and/or amend any objection, response,  
4 term, condition, or statement contained herein.

5           5. Failure to make any particular objection herein shall not be construed as a waiver  
6 of such objection.

7           6. The fact that Plaintiff, in any way, responds to any particular request for  
8 documents within the Request shall not be interpreted as an admission or implication that any  
9 documents responsive to such request are in Plaintiff's possession, control, or custody, or  
10 otherwise exist.

11           7. Nothing herein shall be construed as an admission that any document produced  
12 pursuant to this Request is in any way admissible into evidence and Plaintiff reserves the right  
13 to object to the admissibility of any such documents and/or information.

14           8. Nothing contained herein or provided in response to the Request consists of, or  
15 should be construed as, an admission relating to the accuracy, relevance or existence or  
16 nonexistence of any alleged facts or legal conclusions implied by or referenced in the Request.

17           9. Each of the foregoing General Objections and Terms and Conditions is  
18 incorporated into each and every response below.

19  
20                   **SPECIFIC OBJECTIONS AND RESPONSES TO**  
21                   **DOCUMENT REQUESTS MADE IN THE REQUEST**

22           **REQUEST FOR PRODUCTION NO.1:**

23           All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
24           WHOLE WHEAT BREAD products that YOU, or any member of YOUR family or household,  
25           have purchased.

26           **RESPONSE:**

27           Subject to the General Objections and Terms and Conditions, without waiving same,  
28           Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
              burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the

1 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
2 without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to  
3 products referenced in the second amended complaint filed in the above-captioned action.

4  
5 **REQUEST FOR PRODUCTION NO. 2:**

6 All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
7 WHOLE WHEAT WHITE BREAD products that YOU, or any member of YOUR family or  
household, have purchased.

8 **RESPONSE:**

9 Subject to the General Objections and Terms and Conditions, without waiving same,  
10 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
11 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
12 discovery of admissible evidence. Moreover, the second amended complaint does not allege  
13 that Plaintiff purchased any whole wheat while bread product.

14  
15 **REQUEST FOR PRODUCTION NO.3:**

16 All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
17 TOASTED BREAD products that YOU, or any member of YOUR family or household, have  
purchased.

18 **RESPONSE:**

19 Subject to the General Objections and Terms and Conditions, without waiving same,  
20 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
21 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
22 discovery of admissible evidence. Moreover, the second amended complaint does not allege  
23 that Plaintiff purchased any toasted bread product.

24  
25 **REQUEST FOR PRODUCTION NO.4:**

26 All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO  
27 BAGEL products that YOU, or any member of YOUR family or household, have purchased.

**RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence. Moreover, the second amended complaint does not allege that Plaintiff purchased any bagel product.

**REQUEST FOR PRODUCTION NO. 5:**

All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO DONUTS products that YOU, or any member of YOUR family or household, have purchased.

**RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all these objections and terms and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to products referenced in the second amended complaint filed in the above-captioned action.

**REQUEST FOR PRODUCTION NO. 6:**

All DOCUMENTS, including purchase receipts, labels and packaging, RELATING TO purchases by YOU or others, including any member of YOUR family or household, of the PURCHASED PRODUCTS.

**RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is overly broad, unduly burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all these objections and terms and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged documents.

1 **REQUEST FOR PRODUCTION NO. 7:**

2 All DOCUMENTS RELATING TO BBUSA and/or the brands Sara Lee, Bimbo, Thomas' or  
3 Entenmann's.

4 **RESPONSE:**

5 Subject to the General Objections and Terms and Conditions, without waiving same,  
6 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
7 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
8 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
9 without waiving same, Plaintiff shall produce responsive, non-privileged documents relating to  
10 products referenced in the second amended complaint filed in the above-captioned action.

11  
12 **REQUEST FOR PRODUCTION NO. 8:**

13 All DOCUMENTS RELATING TO any statements on product labels or in advertising  
14 RELATING TO BBUSA's products that YOU assert to be incorrect or misleading.

15 **RESPONSE:**

16 Subject to the General Objections and Terms and Conditions, without waiving same,  
17 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
18 burdensome, vague, ambiguous, seeks documents that are not relevant or reasonably calculated  
19 to lead to the discovery of admissible evidence, seeks privileged materials, and calls for legal  
20 conclusions. Subject to all these objections and terms and conditions, without waiving same,  
21 Plaintiff shall produce responsive, non-privileged documents relating to products referenced in  
22 the second amended complaint filed in the above-captioned action.

23 **REQUEST FOR PRODUCTION NO. 9:**

24 All receipts for food purchases made by YOU, or a member of YOUR family or household, at  
25 or from any retailer, including stores, restaurants, markets, gas stations, delivery, mail order  
26 and/or food trucks, during the period from March 18, 2009 through the date of production.

27 //

28 //

1 **RESPONSE:**

2 Subject to the General Objections and Terms and Conditions, without waiving same,  
3 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
4 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
5 discovery of admissible evidence.

6  
7 **REQUEST FOR PRODUCTION NO. 10:**

8 All DOCUMENTS RELATING TO grocery/supermarket/food store cards, loyalty cards,  
9 rewards cards and other similar customer programs that YOU, or any member of YOUR family  
or household, have held or in which YOU or they participated.

10 **RESPONSE:**

11 Subject to the General Objections and Terms and Conditions, without waiving same,  
12 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
13 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
14 discovery of admissible evidence. Subject to all these objections and terms and conditions,  
15 without waiving same, Plaintiff shall produce responsive, non-privileged documents.

16  
17 **REQUEST FOR PRODUCTION NO. 11:**

18 A copy of the title page of any book, article or other publication that YOU have read  
19 RELATING TO the labeling or advertisement of food or other products.

20 **RESPONSE:**

21 Subject to the General Objections and Terms and Conditions, without waiving same,  
22 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, and seeks  
23 documents that are not relevant or reasonably calculated to lead to the discovery of admissible  
24 evidence. Subject to all these objections and terms and conditions, without waiving same,  
25 Plaintiff has no responsive, non-privileged documents.

26  
27 **REQUEST FOR PRODUCTION NO. 12:**

28 All DOCUMENTS RELATING TO COMMUNICATIONS between YOU, or any member of  
YOUR family or household, and BBUSA or any other food producer or food retailer.



**RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it seeks documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all these objections and terms and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged communications with Defendant.

**REQUEST FOR PRODUCTION NO. 13:**

All DOCUMENTS RELATING TO COMMUNICATIONS RELATING TO BBUSA, including, but not limited to, DOCUMENTS RELATING TO requests made under the Freedom of information Act ("FOIA") and/or DOCUMENTS received pursuant to any such request.

**RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks privileged documents, and seeks documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all these objections and terms and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged documents.

**REQUEST FOR PRODUCTION NO. 14:**

All DOCUMENTS, including, but not limited to, COMMUNICATIONS, RELATING TO any civil lawsuit in which YOU or any member of YOUR family or household have ever been a plaintiff or defendant.

**RESPONSE:**

Subject to the General Objections and Terms and Conditions, without waiving same, Plaintiff further objects to this request on the grounds that it is overly broad, unduly burdensome, seeks privileged information, and seeks documents that are not relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all these objections and terms and conditions, without waiving same, Plaintiff has no responsive, non-privileged documents.

1 **REQUEST FOR PRODUCTION NO. 15:**

2 A copy of YOUR current resume, biography and/or curriculum vitae.

3 **RESPONSE:**

4 Subject to the General Objections and Terms and Conditions, without waiving same,  
5 Plaintiff further objects to this request on the grounds that it seeks documents that are not  
6 relevant or reasonably calculated to lead to the discovery of admissible evidence and asks  
7 Plaintiff to create a document not presently in existence. Subject to all these objections and  
8 terms and conditions, without waiving same, Plaintiff shall produce any recent resume,  
9 biography, or *curriculum vitae* in Plaintiff's possession.

10  
11 **REQUEST FOR PRODUCTION NO. 16:**

12 All DOCUMENTS RELATING TO any advertisements YOU have viewed RELATING TO  
13 any BBUSA product.

14 **RESPONSE:**

15 Subject to the General Objections and Terms and Conditions, without waiving same,  
16 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
17 burdensome, vague, ambiguous, and seeks documents that are not relevant or reasonably  
18 calculated to lead to the discovery of admissible evidence. Subject to all these objections and  
19 terms and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
20 package labels relating to products referenced in the second amended complaint filed in the  
21 above-captioned action.

22  
23 **REQUEST FOR PRODUCTION NO. 17:**

24 All DOCUMENTS RELATING TO any COMMUNICATIONS YOU have had with Alex Ang.

25 **RESPONSE:**

26 Subject to the General Objections and Terms and Conditions, without waiving same,  
27 Plaintiff further objects to this request on the grounds that it seeks documents that are not  
28 relevant or reasonably calculated to lead to the discovery of admissible evidence, and seeks

1 privileged information. Subject to all these objections and terms and conditions, without  
2 waiving same, Plaintiff has no responsive, non-privileged documents.

3  
4 **REQUEST FOR PRODUCTION NO. 18:**

5 All DOCUMENTS RELATING TO YOUR decision to file this lawsuit against BBUSA.

6 **RESPONSE:**

7 Subject to the General Objections and Terms and Conditions, without waiving same,  
8 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, and seeks  
9 privileged materials. Subject to all these objections and terms and conditions, without waiving  
10 same, Plaintiff shall produce responsive, non-privileged documents relating to products  
11 referenced in the second amended complaint filed in the above-captioned action.

12  
13 **REQUEST FOR PRODUCTION NO. 19:**

14 All DOCUMENTS RELATING TO YOUR understanding of an "excellent" or "good" source  
15 of whole grains.

16 **RESPONSE:**

17 Subject to the General Objections and Terms and Conditions, without waiving same,  
18 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks  
19 privileged materials, and calls for legal conclusions. Subject to all these objections and terms  
20 and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
21 documents relating to products referenced in the second amended complaint filed in the above-  
22 captioned action.

23 **REQUEST FOR PRODUCTION NO. 20:**

24 All DOCUMENTS RELATING TO YOUR understanding of an "excellent" or "good" source  
25 of fiber.

26 **RESPONSE:**

27 Subject to the General Objections and Terms and Conditions, without waiving same,  
28 Plaintiff further objects to this request on the grounds that it is overly broad, unduly

1 burdensome, vague, ambiguous, seeks privileged materials, calls for legal conclusions, and  
2 seeks documents that are not relevant or reasonably calculated to lead to the discovery of  
3 admissible evidence. Moreover, the second amended complaint does not allege that Plaintiff  
4 purchased any product with a label stating that it is an "excellent" or "good" source of fiber.

5  
6 **REQUEST FOR PRODUCTION NO. 21:**

7 All DOCUMENTS RELATING TO COMMUNICATIONS with people other than YOU,  
8 including YOUR family and members of your household, who have purchased BBUSA  
9 products.

9 **RESPONSE:**

10 Subject to the General Objections and Terms and Conditions, without waiving same,  
11 Plaintiff further objects to this request on the grounds that it is overly broad, unduly  
12 burdensome, and seeks documents that are not relevant or reasonably calculated to lead to the  
13 discovery of admissible evidence.

14  
15 **REQUEST FOR PRODUCTION NO. 22:**

16 All DOCUMENTS that support YOUR alleged damages in this lawsuit.

17 **RESPONSE:**

18 Subject to the General Objections and Terms and Conditions, without waiving same,  
19 Plaintiff further objects to this request on the grounds that it seeks privileged materials and calls  
20 for legal conclusions. Subject to all these objections and terms and conditions, without waiving  
21 same, Plaintiff shall produce responsive, non-privileged documents.

22  
23 **REQUEST FOR PRODUCTION NO. 23:**

24 All DOCUMENTS RELATING TO any of the "Substantially Similar Products" listed in  
25 YOUR Amended Complaint.

26 **RESPONSE:**

27 Subject to the General Objections and Terms and Conditions, without waiving same,  
28 Plaintiff further objects to this request on the grounds that it seeks documents that are not

1 relevant or reasonably calculated to lead to the discovery of admissible evidence. Subject to all  
2 these objections and terms and conditions, without waiving same, Plaintiff shall produce  
3 responsive, non-privileged documents.

4  
5 **REQUEST FOR PRODUCTION NO. 24:**

6 All DOCUMENTS RELATING TO YOUR contention that it is illegal in California to use the  
7 terms "excellent" or "good" source of whole grains.

8 **RESPONSE:**

9 Subject to the General Objections and Terms and Conditions, without waiving same,  
10 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks  
11 privileged materials, and calls for legal conclusions. Subject to all these objections and terms  
12 and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
13 documents.

14  
15 **REQUEST FOR PRODUCTION NO. 25:**

16 All DOCUMENTS identified in YOUR responses to BBUSA's first set of interrogatories served  
17 on YOU in this action or on which YOU relied is providing those responses.

18 **RESPONSE:**

19 Subject to the General Objections and Terms and Conditions, without waiving same,  
20 Plaintiff further objects to this request on the grounds that it seeks documents that are not  
21 relevant or reasonably calculated to lead to the discovery of admissible evidence, seeks  
22 privileged materials, and calls for legal conclusions. Subject to all these objections and terms  
23 and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
24 documents.

25 **REQUEST FOR PRODUCTION NO. 26:**

26 All DOCUMENTS RELATING TO the unfair advertising causes of action in YOUR Amended  
27 Complaint filed in this lawsuit.

1 **RESPONSE:**

2 Subject to the General Objections and Terms and Conditions, without waiving same,  
3 Plaintiff further objects to this request on the grounds that it is vague, ambiguous, seeks  
4 privileged materials, and calls for legal conclusions. Subject to all these objections and terms  
5 and conditions, without waiving same, Plaintiff shall produce responsive, non-privileged  
6 documents.

7  
8 Dated: December 20, 2013

9 /s/ Pierce Gore  
10 Ben F. Pierce Gore (SBN 128515)  
11 PRATT & ASSOCIATES  
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13 San Jose, CA 95126  
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24 keith@fleischmanlawfirm.com  
25 bsilverman@fleischmanlawfirm.com

26 *Attorneys for Plaintiffs*  
27  
28

1 ANG and STREIT et al v. BIMBO BAKERIES USA, INC.  
2 Case No. 13 Civ. 1196 (WHO)

3 **VERIFICATION**

4 I, LYNNE STREIT, declare:

5 I am the Plaintiff in this action and am authorized to make this verification for that reason.

6 I have read **PLAINTIFF LYNNE STREIT'S RESPONSES TO DEFENDANT'S**  
7 **FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS**, and know the  
8 contents thereof. The same are true of my own knowledge, except as to those matters which are  
9 therein stated on information or belief, and as to those matters I believe them to be true.

10 I declare under penalty of perjury under the laws of the State of California that the  
11 foregoing is true and correct. Executed this 12th day of December, 2013 in San Jose, California.

12  
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14 \_\_\_\_\_  
15 LYNNE STREIT  
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